

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-105918-001 DT

10/10/2008

HON. GARY E. DONAHOE

CLERK OF THE COURT
S. Yoder
Deputy

STATE OF ARIZONA

ZACH MURPHY

v.

MARCUS LADALE DAMPER (001)

MONIQUE WILHITE

VICTIM SERVICES DIV-CA-CCC

COMPREHENSIVE PRE-TRIAL CONFERENCE

10:04 a.m. This is the time set for Comprehensive Pre-Trial Conference.

State's Attorney:	Zach Murphy
Defendant's Attorney:	Monique Wilhite
Defendant:	Present
Court Reporter:	Laura Ashbrook

The Court has considered the State's Motion for *In Camera* Review of Law Enforcement Records to Determine if the Records Contain *Brady* Material.

IT IS HEREBY ORDERED that the materials reviewed *in camera* be given to defense counsel, subject to the conditions as set forth in the formal written Order signed by the Court this date.

Evidentiary Hearing

State's case:

David Dager is sworn and testifies.

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The witness makes an in-court identification of the Defendant.

The witness is excused.

Jeffrey Cianfroga is sworn and testifies.

The witness makes an in-court identification of the Defendant.

The witness is excused.

James Vega is sworn and testifies.

The witness makes an in-court identification of the Defendant.

The witness is excused.

Hugo Ortiz is sworn and testifies.

The witness makes an in-court identification of the Defendant.

The witness is excused.

The State rests. Both sides rest.

Argument is presented.

With respect to the two incidents,

IT IS HEREBY ORDERED denying the State's request to admit these two incidents in its case-in-chief. Should the Defendant testify to the effect that the relation was perfect, the Court may reconsider and allow some of this evidence as rebuttal. The Court is not inclined to admit under any circumstances the substance of the emergency call because the Court is of the opinion that Defendant would have a right to cross-examine the caller about that statement.

Argument is heard on Defendant's Motion to Sever Counts. For the reasons stated on the record,

IT IS HEREBY ORDERED denying Defendant's Motion to Sever Counts.

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Argument is heard on motions in limine.

IT IS HEREBY ORDERED denying Defendant's Motion in Limine #2-19, Motion in Limine #20-36, and Motion in Limine #37 without prejudice to Defendant's right to make an appropriate objection should any of the conduct actually occur.

With respect to Defendant's Motion in Limine #1 to preclude evidence of Defendant's conviction for aggravated assault,

IT IS FURTHER ORDERED that the fact he was convicted of a felony, the date of conviction and case number are admissible, sanitized as to the nature of the offense. The fact that Defendant was on probation on January 21, 2008 is also admissible.

With respect to Defendant's Motion in Limine #4, Part 2,

IT IS FURTHER ORDERED denying Defendant's request to preclude evidence of the text message.

With respect to Defendant's Motion in Limine #1, Part 3,

IT IS FURTHER ORDERED denying Defendant's request to preclude any reference that Defendant possessed and carried a .45 caliber weapon that was not proved to be the murder weapon. This ruling is subject to the State's ability to present evidence that Defendant was seen prior to January 21, 2008 with the same or similar looking handgun identified as the murder weapon.

Pretrial matters are discussed.

Preliminary jury instructions are settled.

Due to the Court's trial schedule,

IT IS HEREBY ORDERED continuing trial from October 14, 2008 to October 16, 2008 at 9:30 a.m. in this division.

IT IS FURTHER ORDERED that no time be excluded. LAST DAY REMAINS: November 7, 2008.

IT IS FURTHER ORDERED affirming prior custody orders.

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11:52 a.m. Matter concludes.